

NUTRITION SERVICES DIVISION MANAGEMENT BULLETIN		No. 03-101
TO:	Public School Districts County Superintendents of Schools	ISSUE DATE: January 2003
ATTENTION:	Food Service Director	
SUBJECT:	Summer and Saturday School Meal Waiver Information	
REFERENCE:	California Education Code Sections 33050, 33051(c), 33052, 49531, 49547, 49548, 49550, 49552, 49553(a), and 49558, and Title 5, Section 15510(a)	
SUPERSEDES:	Management Bulletin 01-100	

This Management Bulletin provides school districts and county superintendents of schools with the forms and information necessary to request a waiver of the California Education Code (EC) Section 49550 for summer and/or Saturday school sessions. To effect compliance with the intent of the legislature, the process for requesting a waiver is different from past years. Additional information is required regarding summer and Saturday school program sites as well as the financial status of the school district cafeteria fund. ***For 2003 summer school, the period for submitting an application is also different. All applicants must submit their Summer School Meal Waiver Request form by March 18, 2003.*** This will ensure timely processing of waiver requests for summer school sessions and, in the case of a denial, will permit the district/county sufficient time to plan for summer meal preparation.

The EC Section 49550 requires that school districts and county superintendents of schools maintaining any kindergarten or any of grades 1 to 12 shall “. . . provide for each needy pupil enrolled therein one nutritionally adequate free or reduced-price meal during each schoolday . . .” The EC Section 49552 defines a needy child as meeting federal eligibility criteria for free or reduced-price meals.

Schools providing meals during summer and/or Saturday school that are participating in the National School Lunch Program (NSLP) or School Breakfast Program (SBP) must make meals available to all students in attendance. These schools are eligible to receive reimbursement for qualifying meals under the NSLP or SBP. Schools that have a State Meal Program agreement only receive reimbursement for meals served to needy pupils and must meet specified nutrition standards defined in EC Section 49531.

Summer School Session

The EC Section 49547 states that (1) Proper nutrition for children is a matter of the highest state priority; and (2) There is a demonstrated relationship between good nutrition practices on a year-round basis and the capacity of children to develop and learn. To restrict the criteria for allowing waivers, and to achieve compliance with legislative findings expressed in Section 49547, the legislature established EC Section 49548.

The EC Section 49548 permits approval of a waiver if **two** of the following conditions exist:

- a) The summer school session is of less than four hours duration **and** is completed by noon, allowing pupils to go home during the lunch period.
- b) Less than 10 percent of needy pupils attending the summer school session are at the school site for more than three hours per day.
- c) A Summer Food Service Program for Children site is available within the school attendance area.
- d) Serving meals during the summer school session would result in a financial loss to the school district, documented by the district in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating costs.

Items *a*, *b*, and *c* above apply to the school site operating a summer school program. Item *d* applies to the school district only. A school district must complete the attached summer school documents and provide the required supporting documentation for each school site operating a summer school session. The documentation required for item *d* is addressed in the **Summer School Meal Waiver Request** form, Part III. It is important to note that a school district operating multiple summer school sessions may be approved for one or more summer school sites but not receive a waiver for all summer school sites. In the event that the waiver request is denied for some sites, the school district will be required to provide meals to students participating in summer school at those sites.

The EC Section 49556 requires the Superintendent of Public Instruction to investigate acts of noncompliance. In the event that a school district or county superintendent of schools has failed to comply with the provisions of this article, the Superintendent of Public Instruction shall certify such noncompliance to the Attorney General. The Attorney General shall conduct such investigations as necessary to document the noncompliance.

To ensure timely processing and notification to school districts, the deadline for submission of a summer school session meal waiver request to the CDE Waiver Office is **March 18, 2003**.

Saturday School Session

The State Board of Education (SBE) grants Saturday school meal waivers if **two** of the following conditions exist:

- a) The Saturday school session is less than four hours in duration **and** is completed by noon, allowing pupils to go home during the lunch period.
- b) Less than 10 percent of the needy pupils attending the Saturday school session are at the school site for more than three hours per day.
- c) The Saturday school site does not have proper refrigeration facilities to enable meals to be prepared on Friday and served on Saturday.

- d) Serving meals during the Saturday school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources.

Items *a*, *b*, and *c* above apply to the school site operating a Saturday school program. Item *d* applies to the school district only. A school district must complete the attached Saturday school documents and provide the required supporting documentation for each school site operating a Saturday school session. The documentation required for item *d* is addressed in the ***Saturday School Meal Waiver Request*** form, Part V. It is important to note that a school district operating multiple Saturday school sessions may be approved for one or more Saturday school sites but not receive a waiver for all Saturday school sites. In the event that the waiver request is denied for some sites, the school district will be required to provide meals to students participating in Saturday school at those sites. The EC Section 49556 also applies to Saturday school waiver requests.

The SBE requires that Saturday school meal waiver requests be submitted no later than two months prior to the starting date of the Saturday school session. Included in this package is the ***SBE Calendar for Submission of Waivers for 2003***. A Saturday school waiver that is granted for two consecutive years remains in effect, provided the information contained in the original request has not changed. Examples of changes are sites starting new Saturday programs or sites removed from existing Saturday programs.

General Information

The following 2002/2003 meal waiver documents are included and must be used to process the waiver request:

1. Summer School Meal Waiver Request (pages 1 through 3)
2. Site Information Sheet – Summer School Session (page 4)
3. Saturday School Meal Waiver Request (pages 1 through 3)
4. Site Information Sheet – Saturday School Session (page 4)
5. SBE Calendar for Submission of Waivers 2003

Please note that the forms used to process these requests are different from prior years and must be properly completed to avoid delays in processing. A letter will be sent from the California Department of Education (CDE) Waiver Office notifying the school district of the SBE scheduled hearing date. The letter will also give the CDE's recommendation for each site's waiver request. If the CDE recommends denial of the request, the district will have the right to either:

1. Withdraw the waiver and provide the meal program; or
2. Attend the SBE meeting to present a response to the CDE's recommendation.

A letter of the final disposition of the waiver by the SBE is also mailed after the meeting.

To expedite processing, ***all*** waiver requests and forms must be mailed to:

CDE Waiver Office
Attn: Judy Pinegar, Education Administrator I
1430 N Street, Suite 5602
Sacramento, CA 95814

For information on the receipt or hearing date of your waiver request, please contact the CDE Waiver Office at (916) 319-0824.

Other School Meal Participation Options

An option available to meet the requirement of EC Section 49550 is to serve breakfast rather than lunch to summer and/or Saturday school students. If the district participates in the School Breakfast Program (SBP) and chooses to serve summer and/or Saturday school breakfast at a site(s) already approved for SBP, no action is necessary. If the summer and/or Saturday school site(s) is not approved for the SBP, the district may submit a completed **Site Change Request** form to add the site(s) to the district's SBP agreement (call [800] 952-5609 for a **Site Change Request** form). If the district does not participate in the SBP and wishes to apply, please contact your district's nutrition services representative or the representative of the day at (800) 952-5609 for an SBP application.

Another option available to summer schools to meet the requirement of EC Section 49550 is the Seamless Summer Feeding Waiver. This waiver allows schools participating in the NSLP to serve meals free of charge to summer students as well as other children in the community. To qualify for this waiver, the school must be in a community where at least 50 percent of the children are eligible for free or reduced-price school meals. The meals served can be claimed as free meals and reimbursed at the free rate under the NSLP. For more information about this option, please refer to Management Bulletin 02-702, which contains application forms and program details, or contact Melissa Garza at (916) 322-5885.

If you have any questions about the summer and/or Saturday school meal waiver process, contact Rochelle Magness at (916) 324-8795, (800) 952-5609, or rmagness@cde.ca.gov.

Chila Silva-Martin, Acting Director
Nutrition Services Division

SUMMER SCHOOL MEAL WAIVER REQUEST

Check one of the request types below:

☐ First-Time Waiver Request

☐ Renewal Request (The site was approved for a summer school meal waiver last year.)

Mail original by March 18, 2003 to: Judy Pinegar, Education Administrator I Waiver Office 1430 N Street, Suite 5602 Sacramento, CA 95814 (916) 319-0824	Agreement No:		Vendor No:	
	School/Agency Name:			
	Address:			
	City:		State:	Zip:
	Contact Person:		Title:	
	Telephone:		Fax:	

FOR SCHOOL AGENCY/DISTRICT USE ONLY		FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY	
Effective period of request. Enter actual summer session dates covering all programs.			
From:	To:	Waiver Number:	
Local Board Approval Date:		NSD Recommendation: <input type="checkbox"/> Approve <input type="checkbox"/> Deny	
District Certification: I certify that the information provided on this request is correct and complete.		Staff:	Date:
Signature (Superintendent or designee):		Unit Manager:	Date:
Title:		Director (not required with signature sheet attached):	Date:
Date:		Deputy (not required with signature sheet attached):	Date:

The reverse side of this form must be completed to process the meal waiver request.

DISTRICT INFORMATION**Part I** Controversy regarding the waiver (Required for Renewal Request)

Are the members of the local governing board or the district staff aware of any controversy over the implementation of this waiver or the request to extend it? ☐ Yes ☐ No

Part II Position of bargaining unit (Required for controversial Renewal Request and First Time Waiver)

Does the district have any bargaining unit(s) affected by this request? ☐ Yes ☐ No

Was each bargaining unit consulted regarding this request? ☐ Yes ☐ No

If yes, date of meeting: _____

What was the position of the bargaining unit(s)? ☐ Neutral ☐ Support ☐ Other

If "Other," summarize the position: _____

If any bargaining unit(s) was/were not consulted, please explain: _____

Part III Financial Impact on the District

Complete the *Financial Impact Worksheet* on the following page (Part IV, page 3 of the *Summer School Meal Waiver* form). Upon completion of the worksheet, please answer the following questions:

Condition 1: Is the projected loss greater than or equal to one-third of the food service net cash resources (cafeteria fund) as of June 30, 2003?
☐ Yes ☐ No

Condition 2: Is the projected loss greater than or equal to one month's projected cafeteria fund cost for your summer school session(s)?
☐ Yes ☐ No

If you answered "Yes" to one of the above conditions, provide the following supporting information:

- A copy of the district's cafeteria fund projected end-of-year operating statement for the fiscal year ending June 30, 2003. Provide an explanation of how these projections were obtained; and
- Projections of the district's cafeteria fund income and cost for the summer school session(s). Provide an explanation of how these projections were calculated.

Attach a ***Site Information Sheet – Summer School Waiver*** for **each** site included in this waiver request. This form is page 4 of the *Summer School Meal Waiver Request* form.

Part IV Financial Impact Worksheet

Please complete the following worksheet to determine if the financial impact of providing summer school meets this waiver criterion. The district must meet either Condition 1 or Condition 2 to qualify. Complete the worksheet below and then answer the questions in Part III of the *Summer School Meal Waiver* form, Page 2.

- Condition 1: If the projected cafeteria fund balance is positive as of June 30, 2003, the projected loss must be greater than or equal to one-third of this balance; or
- Condition 2: If the projected cafeteria fund balance is zero or a negative amount as of June 30, 2003, the projected loss must be greater than or equal to one month's projected operating costs.

To determine if either condition is met, please complete one of the following worksheets:

Enter the projected cafeteria fund balance as of June 30, 2003.

(a)

If (a) above is positive, enter the items under Condition 1 below.

If (a) above is negative or zero, enter the items under Condition 2 below.

Condition 1:

(b) Divide amount in (a) above by 3. This number must be a positive number.

(b)

(c) Enter the projected cost to the cafeteria fund for the summer school session(s).

(c)

(d) Enter the projected income to the cafeteria fund for the summer school session(s).

(d)

**STOP here if cost is less than income.
You do not meet Condition 1.**

(e) Enter the projected cafeteria fund loss (costs [c] minus income [d]).

(e)

If the projected loss (e) is greater than or equal to one-third of the projected cafeteria fund balance (b), check "Yes" under Condition 1 on the *Summer School Meal Waiver* form – page 2, Part III.

Condition 2:

(f) Enter the projected cost to the cafeteria fund for the summer school session(s).

(f)

(g) Enter the projected income to the cafeteria fund for the summer school session(s).

(g)

**STOP here if cost is less than income.
You do not meet Condition 2.**

(h) Enter the projected cafeteria fund loss (cost [f] minus income [g]).

(h)

(i) Enter the length of the summer school session(s) in operating days.

(i)

(j) Divide operating days (i) by 20. This equals months of operation.

(j)

(k) Divide cost (f) by months (j). This is one month's operating cost.

(k)

If the projected loss (h) is greater than or equal to one month's projected cost (k), check "Yes" under Condition 2 on the *Summer School Meal Waiver* form – page 2, Part III.

Site Information Sheet – Summer School Waiver

Complete this form for each site included in the waiver request. Please copy this page if necessary.

Agreement Number:		District Name:		Vendor Number:	
Site Name:					
Site Address:					
Site City:				State:	Zip:
Site Contact Person:				Title:	
Telephone:				Fax:	

Please answer the following questions:

- (a) Is the summer school session less than 4 hours in duration? ☐ Yes ☐ No Length of session: _____

(b) Is the summer school session completed by noon? ☐ Yes ☐ No
- (a) What is the projected number of needy children enrolled at this summer school site? _____

(b) What is the projected number of needy children remaining on-site for more than 3 hours? _____
- Is a Summer Food Service Program (SFSP) located within the school attendance area? ☐ Yes ☐ No

If Yes, list the SFSP site name and address below:

Attach the following supporting information:

- The summer school program schedule for this site. The schedule must include the beginning and ending dates and times of each session.
- Please provide an explanation of how you arrived at the projected numbers in 2(a) and 2(b) above.
- If your answer to question 3 above is “Yes,” please provide a map of the school attendance boundaries with both the school location and the SFSP site clearly marked.

SATURDAY SCHOOL MEAL WAIVER REQUEST

Check one of the request types below:

☐ First-Time Waiver Request

☐ Renewal Request (The site was approved for a Saturday school meal waiver last year.)

Special Notes:

- a) Districts/County Offices of Education need not reapply annually if granted Saturday school meal waivers for the past two consecutive years and waiver request information remains current (EC Section 33051[c]).
- b) A First-Time Waiver Request is required if sites are added or dropped from an approved waiver request or changes are made in Saturday school session times.

Mail original to: Judy Pinegar, Education Administrator I Waiver Office 1430 N Street, Suite 5602 Sacramento, CA 95814 (916) 319-0824	Agreement No:		Vendor No:	
	School/Agency Name:			
	Address:			
	City:		State:	zip:
	Contact Person:		Title:	
	Telephone:		Fax:	

FOR DISTRICT USE ONLY		FOR CALIFORNIA DEPARTMENT OF EDUCATION USE ONLY	
From:	To:	Waiver Number:	
Local Board Approval Date:		NSD Recommendation: <input type="checkbox"/> Approve <input type="checkbox"/> Deny	
District Certification: I certify that the information provided on this request is correct and complete.		Staff:	Date:
Signature (Superintendent or designee):		Unit Manager:	Date:
Title:		Director (not required with signature sheet attached):	Date:
Date:		Deputy (not required with signature sheet attached):	Date:

The reverse side of this form must be completed to process the meal waiver request.

DISTRICT INFORMATION**Part I** Controversy regarding the waiver (Required for Renewal Request)

Are the members of the local governing board or the district staff aware of any controversy over the implementation of this waiver or the request to extend it? ☐ Yes ☐ No

Part II Position of bargaining unit (Required for controversial Renewal Request and First Time Waiver)

Does the district have any bargaining unit(s) affected by this request? ☐ Yes ☐ No

Was each bargaining unit consulted regarding this request? ☐ Yes ☐ No

If yes, date of meeting: _____

What was the position of the bargaining unit(s)? ☐ Neutral ☐ Support ☐ Other

If "Other," summarize the position: _____

If any bargaining unit(s) was/were not consulted, please explain: _____

Part III Public Hearing (Required for First-Time Request or controversial Renewal Request)

Date of required public hearing: _____

How was the public hearing advertised? ☐ Notice in Newspaper ☐ Notice posted at each site ☐ Other

If "Other," please explain: _____

Part IV Advisory Committee (Required for First-Time or controversial Renewal Request)

Name of council or committee that reviewed this request: _____

Date of review: _____

If there were any objections, please summarize: _____

Part V Financial Impact on the District

Complete the *Financial Impact Worksheet* on the following page (Part V, page 3 of the *Saturday School Meal Waiver* form).

Will the projected loss shown in item (e) of the worksheet be greater than or equal to one-third of prior year-end food service net cash resources (cafeteria fund)? ☐ Yes ☐ No

If "Yes," provide the following supporting information:

- The prior year-end cafeteria fund balance; and
- Provide an explanation of how the projections of the district's cafeteria fund income and cost for Saturday school were calculated.

Attach a ***Site Information Sheet – Saturday School Waiver*** for **each** site included in this waiver request. This form is page 4 of the *Saturday School Meal Waiver Request* form.

Part VI Financial Impact Worksheet

Please complete the following worksheet to determine if the financial impact of providing Saturday school meals meets this waiver criterion. Complete the worksheet below and then answer the question in Part V of the *Saturday School Meal Waiver* form, page 2.

- a. Enter the prior year-end cafeteria fund balance.

Stop here if it is not a positive number.

You do not meet this criterion.

a.

- b. Enter the projected cost to the cafeteria fund for the Saturday school session(s) for the requested waiver period.

b.

- c. Enter the projected income to the cafeteria fund for the Saturday School sessions for the requested waiver period. **STOP here if cost is less than income.**
You do not meet this criterion.

c.

- d. Enter the projected cafeteria fund loss (b minus c)

d.

- e. Divide (a) by 3.

e.

If your projected loss (d) is greater than or equal to one-third of the cafeteria fund balance (e), check “Yes” on the *Saturday School Meal Waiver* form – page 2, Part V.

Site Information Sheet – Saturday School Waiver

Complete this form for each site included in the waiver request. Please copy this page if necessary.

Agreement Number:		District Name:		Vendor Number:	
Site Name:					
Site Address:					
Site City:				State:	Zip:
Site Contact Person:			Title:		
Telephone:			Fax:		

Please answer the following questions:

1. a. Is the Saturday school session less than 4 hours in duration? ☐ Yes ☐ No Length of session: _____
 b. Is the Saturday school session completed by noon? ☐ Yes ☐ No
2. a. What is the projected number of needy children enrolled at this Saturday school site? _____
 b. What is the projected number of needy children remaining on-site for more than 3 hours? _____
3. a. Are refrigeration facilities located at this site? ☐ Yes ☐ No
 b. If Yes, are these refrigeration facilities available to allow meals to be prepared on Friday for service on Saturday?
☐ Yes ☐ No

Attach the following supporting information:

- Saturday school program schedule for this site. The schedule must include the beginning and ending dates and time of each session offered.
- Please provide an explanation of how you arrived at the projected numbers in 2(a) and 2(b) above.
- If there are refrigeration facilities at this site, but they are unavailable (3[b]), explain why the Saturday school program is unable to use them.

SBE CALENDAR FOR SUBMISSION OF WAIVERS 2003

<u>CDE Waiver Office Due Date:</u> Your waiver must be submitted to the Waiver Office by the date below in order to meet the SBE Meeting indicated in the right-hand column.	<u>SBE Meeting Dates:</u> Remaining SBE meeting dates available for calendar year 2003.
January 21, 2003	March 12-13, 2003
February 18, 2003	April 9-10, 2003
March 18, 2003 Deadline for all summer school meal waiver requests.	May 7-8, 2003
April 21, 2003	June 11-12, 2003
May 20, 2003	July 9-10, 2003
No meeting scheduled	August
July 22, 2003	September 10-11, 2003
August 19, 2003	October 8-9, 2003
September 23, 2003	November 13-14, 2003
October 20, 2003	December 10-11, 2003

The recommendation of approval for your meal waiver request is dependent upon the receipt of an accurate and complete request. All supporting documentation must accompany your request. If your application is incomplete it will be returned. If your waiver request is recommended for denial, you may attend the SBE meeting to present a response to CDE's recommendation or you may withdraw your meal waiver request and provide meal service during your summer or Saturday school session(s).